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Amendments to the drawings:

Attached hereto is a replacement drawing sheet containing amended Fig.

1b, which shows the connection stub.

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REMARKS

The present amendment is submitted in response to the Office Action dated June 28, 2006, which set a three-month period for response, making this amendment due by September 28, 2006.

Claims 1-4, 7-9, and 12-27 are pending in this application.

In the Office Action, the election requirement was made final and claims 5, 6, 10, and 11 were withdrawn from further consideration. The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claim, specifically, the "connection stub" of claim 9. The specification was objected to for various informalities. Claims 1-4, 7-9, and 12-15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-4, 7-9, and 12-15 were further rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,219,922 to Campbell ("Campbell '922"). Claims 1, 7, 9, and 12-15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,094,827 to Campbell ("Campbell '827"). Claims 1-3, 7-9, 12, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,927,171 to Sasaki et al.

Turning first to the objection to the drawings, Fig. 1b has been amended to show the connection stub, which is designated with reference numeral 44. The specification also has been amended to add reference numeral 44 to refer to the connection stub. No new matter has been entered, since the connection stub was disclosed in detail in the original specification.

The specification has been amended further to address the objections.

The phrase "in particular" was deleted from claim 1. In addition, to more clearly define the present invention over the cited references, claim 1 has been amended to add the features of claims 2 and 3, which were canceled. Claim 1 also includes the feature that the covering prevents injury from the tool. This limitation is disclosed in the specification on page 2, paragraph 0036 of the U.S. Patent Application Publication US 2005/0103172 A1, on which the present application is based.

In addition, new claims 16-27 have been added. The features of claim 16 are shown in all of the original figures. The limitations of new claims 17 and 18 are disclosed on page 2, paragraph 0038, page 3, paragraph 0047, and page 3, paragraph 0062 and in the drawings. In claims 17 and 18, the terms "top", "low", and "downward" are definite, as they refer to the direction of the residues created during operation and the position of the machine relative to the ground during this operation.

New claim 19 is supported by the disclosure on page 2, paragraphs 0039 and 0042, page 3, paragraphs 0048 and 0057, in Fig. 1, where the saw blade is shown, and in Figs. 1b, 2b, 3d, and 4d.

The features of new claims 20 and 21 are disclosed on page 3, paragraph 0055. Support for new claim 22 can be found on page 1, paragraph 0013. The features of claims 23 and 24 are disclosed on page 3, paragraph 0047. Support for new claim 25 can be found on page 2, paragraph 0035. Finally, the features

of new claims 26 and 27 are disclosed on page 2, paragraph 0037 and page 2, paragraph 0036 and Fig. 1, respectively.

The Applicants respectfully submit that claim 1 as amended defines a patentably distinct set of features that is neither disclosed nor made obvious by the cited references.

Sasaki discloses a power saw 1 comprising a blade case 9 that has a body portion 12, in which a guide pass 14 for sawdust is formed. A guide tube 17 provided in the guide pass 14 can be rotated around an axis perpendicular to a saw blade 10. The lower end of the guide tube 17 is formed in an inclined shape to configure an opening 19 that faces the circular saw 10 in such a way that the opening 19 can easily collect the sawdust. After being collected through the opening 19, the sawdust is guided through the guide tube 17 into an elbow 16, which discharges into a sawdust accommodating bag connected to it.

In the Office Action, in Section 11, the Examiner explains the rejection of claims 2 and 3, which are now incorporated into amended claim 1. The Examiner argues that the feature that the guide tube 17 has one position wherein the residue guide carries some of the machining residues onward inside the covering is disclosed in Sasaki, column 3, lines 51-54, and the feature that the guide tube has one position, wherein dust is carried through the residue guide and discharge outside the covering is recited in column 3, lines 54-65. The Applicants respectfully disagree with this analysis.

The portions of the Sasaki specification cited by the Examiner correspond to the situations shown in Figs. 3 and 4. In the first instance in Fig. 3, which is

described in column 3, lines 52-54, the sawdust flies in the direction showed by the arrow 'a' and is guided through the opening 19 towards the elbow 16 through which the sawdust is directly collected and into the accommodation bag.

On the other hand, in Fig. 4 and as described in column 3, lines 54-63, the sawdust flies in the direction shown by the arrow "b", is guided through the guide tube 17 to the elbow 16 and collected into the sawdust accommodating bag.

The only differences between the two situations shown in Figs. 3 and 4 are the direction of flight of the sawdust on the one hand, which depends on the thickness of the material to be cut, and the inclination of the guide tube 17 on the other hand. Before performing a cutting of the work piece, the rotary position of the guide tube 17 is chosen according to the thickness of the material. By each rotary position of the guide tube 17, the sawdust is collected through the opening 19 and guided through the guide tube 17 and the elbow 16 into the sawdust accommodating bag.

The guide tube 17, therefore, has no rotary position, in which the pivotable guide tube 17 discharges outside the covering 9. On the contrary, the pivotable guide tube 17 discharges in both positions shown in Figs. 3 and 4 inside the covering 9. Therefore, claim 1 as amended is not anticipated by Sasaki.

With the present invention, as defined in amended claim 1, the user can choose between at least two positions of the residue guide in a comfortable manner, so that a position can be chosen, in which the emerging sawdust is as slight a hindrance as possible. This advantage cannot be attained with the machine tool as taught by Sasaki, since the outward direction of the machining

residues cannot be chosen, but is definitely fixed by the orientation of the elbow 16.

Campbell '922 discloses a circular power saw 14 with a covering 12 and an accommodating bag 50. This bag 50 is clearly not a covering for preventing injury from the saw blade of the power saw 14, as defined in amended claim 1. Therefore, amended claim 1 also is not anticipated by Campbell '922.

Campbell '827 discloses a circular power saw 10 with a saw blade 14, which is surrounded by a stationary guard 16. The guard 16 shows a window assembly 30 with an optically transmissive window, which allows viewing of the blade 14 as it travels through a work piece. Campbell '827 does not disclose the features of claim 2 and 3, since the window assembly is not formed as a pivot tube, as also stated by the Examiner in the Office Action under Section 10. Therefore, amended claim 1 also is not anticipated by Campbell '827.

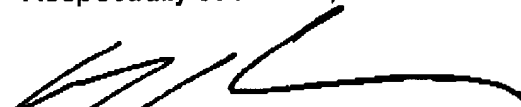
Because none of the cited references discloses all of the features of amended claim 1, claim 1 is not anticipated by any of these references under Section 102. MPEP section 2131 requires that to anticipate a claim, a reference must teach every element of the claim in as complete detail as is contained in Applicant's claim. Likewise, MPEP section 2143.03 requires that all of the Applicant's claim limitations must be taught or suggested by the cited reference.

For the reasons set forth above, the Applicants respectfully submit that claims 1-4, 7-9, and 12-27 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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